



THE PROTECTION AND ADVOCACY SYSTEM FOR INDIANA
FALL 2007 • VOLUME 34

PRIORITIES AND OBJECTIVES FOR 2008



TO PROTECT AND PROMOTE
THE RIGHTS OF INDIVIDUALS
WITH DISABILITIES, THROUGH
EMPOWERMENT AND ADVOCACY

Who is IPAS?

IPAS is an independent state agency separate from all other state agencies and programs. IPAS was established in 1977 in response to federal requirements for a program to advocate for the rights of individuals with developmental disabilities. Since then, more programs have been added to serve the advocacy needs of specific groups of individuals with disabilities.

The Indiana Protection and Advocacy Services Commission is here to defend the rights of citizens with different abilities and extend equal opportunity and empowerment to people with disabilities.

People with disabilities have rights under the law

Today, there are more than 54 million Americans with disabilities. A disability is a physical or mental impairment that substantially limits one or more major life activities. The U.S. Congress has determined that disabilities are a natural part of the human experience. To help ensure that no one is excluded from participating in the mainstream of society, Congress has enacted laws providing a variety of support services and programs for people with disabilities.

People with developmental or physical disabilities, and/or mental illnesses, also are protected under the laws that prohibit discrimination, abuse and neglect. Like all Americans, they have the right to live their lives as fully and independently as possible and with the freedom to make their own choices and decisions to the extent that their abilities will allow.

To see that the human, legal and civil rights of people with disabilities are affirmed, Congress established protection and advocacy (P&A) systems in each state. Indiana Protection and Advocacy Services provides advocacy for Indiana citizens. IPAS proudly serves people with disabilities, helping them exercise their right to appropriate treatment, as well as providing training and resources to ensure their inclusion in the life of our communities.

Too often, individuals with disabilities are:

- ◆ Abused or neglected by caregivers;
- ◆ Denied appropriate medical, rehabilitation, or psychiatric treatment;
- ◆ Denied free and appropriate public educational services;
- ◆ Denied physical access to public places and governmental services;
- ◆ Discriminated against when trying to obtain employment or housing;
- ◆ Denied the ability to make their own decisions and be a fully participating member of their community;
- ◆ Denied the assistive technology services or devices they need to be more independent;
- ◆ Denied the control of their private information being released without their consent;
- ◆ Denied the right to make their own choices as they prepare for employment through Vocational Rehabilitation or Ticket to Work training programs.

IPAS can help by:

- ◆ Helping you understand your rights;
- ◆ Helping you learn self-advocacy skills;
- ◆ Advising you on what steps you can take to secure your rights, such as appealing denials and filing complaints with appropriate governmental agencies;
- ◆ Representing you with an IPAS advocacy specialist or IPAS attorney to correct rights violations.

Every year, IPAS represents hundreds of Hoosiers with disabilities in securing their rights to full community participation and helps thousands more through information, referral, education and training services.

IPAS Program Descriptions

Indiana Protection and Advocacy Services is the protection and advocacy system in Indiana. IPAS provides protection of the rights of persons with disabilities through legally based advocacy. Each of our federally funded programs has specific criteria regarding who can be served and what services IPAS may offer.

PROTECTION AND ADVOCACY FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES (PADD)	PADD was created by the Developmental Disabilities Assistance and Bill of Rights (DD) Act of 1975 for individuals who meet the federal definition of developmental disabilities. PADD requires IPAS to pursue legal, administrative, and other appropriate remedies under all applicable federal and state laws to protect and advocate for the rights of individuals with developmental disabilities. The Administration on Developmental Disabilities, Administration for Children and Families, U.S. Department of Health and Human Services, funds PADD.
PROTECTION AND ADVOCACY FOR INDIVIDUALS WITH MENTAL ILLNESS (PAIMI)	Established by the Protection and Advocacy for Individuals with Mental Illness Act of 1986, PAIMI seeks to protect and advocate for the rights of individuals with mental illnesses in both institutional and community settings. The PAIMI program investigates allegations of abuse, neglect, and rights violations for people with mental illnesses. The Center for Mental Health Services (CMHS), Substance Abuse and Mental Health Services Administration and the U.S. Department of Health and Human Services administer the program.
CLIENT ASSISTANCE PROGRAM (CAP)	CAP was established as a mandatory program by the 1984 Amendments to the Rehabilitation Act for individuals seeking services from a program or project funded by the Rehabilitation Act. In Indiana, this involves Vocational Rehabilitation Services and Centers for Independent Living. CAP is administered by the Rehabilitation Services Administration (RSA), Office of Special Education and Rehabilitation Services, U.S. Department of Education.
PROTECTION AND ADVOCACY FOR ASSISTIVE TECHNOLOGY (PAAT)	Created in 1994 when Congress expanded the Technology-Related Assistance for Individuals with Disabilities Act (Tech Act), this program is for individuals with disabilities seeking assistive technology (devices or systems used to improve or maintain the capabilities of persons with disabilities). Designed to promote the provision of assistive technology devices and services through systemic reform, PAAT has the authority to negotiate compliance with federal law. Administration is by Rehabilitation Services Administration (RSA), Office of Special Education and Rehabilitation Services, and the U.S. Department of Education.
PROTECTION AND ADVOCACY FOR TRAUMATIC BRAIN INJURY (PATBI)	Created by the Traumatic Brain Injury (TBI) Act authorized as part of the Children's Health Act of 2000, this program's purpose is to expand advocacy services for individuals with traumatic brain injuries and to expand the service delivery system for this group of individuals. PATBI is administered by Health Resources and Services Administration, and the U.S. Department of Health and Human Services.

PROTECTION AND ADVOCACY FOR VOTING ACCESS (PAVA)	<p>Created in 2002 when Congress enacted the Help America Vote Act (HAVA), IPAS seeks to ensure the full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote and accessing polling sites. It is administered by the Administration on Developmental Disabilities (ADD), Administration for Children and Families (ACF), and the U.S. Department of Health and Human Services.</p>
PROTECTION AND ADVOCACY FOR BENEFICIARIES OF SOCIAL SECURITY (PABSS)	<p>PABSS was created by the Ticket to Work™ and Work Incentive Improvement Act of 1999 for individuals with disabilities who receive Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) who want to work or return to work. PABSS provides advocacy for beneficiaries of Social Security who have problems obtaining, maintaining and retaining employment. It is overseen by the Social Security Administration.</p>
PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS PROGRAM (PAIR)	<p>PAIR was established by Congress as a national program under the Rehabilitation Act 1993 to protect and advocate for the legal and human rights of persons who are not eligible under the other programs—such as those with visual or hearing impairments or those with physical disabilities acquired as an adult. PAIR is administered by Rehabilitation Services Administration (RSA), Office of Special Education and Rehabilitative Services, and the U.S. Department of Education.</p>

INDIANA'S DEVELOPMENTAL DISABILITIES NETWORK

IPAS has a collaborative relationship with the Indiana Governor's Council for People with Disabilities and the Institute on Disability and Community. All three programs receive funding through the federal Administration on Developmental Disabilities.

Abuse and Neglect

Freedom from abuse and neglect is a fundamental right. One of the primary purposes of IPAS is to work towards the elimination of abuse and neglect of individuals with disabilities. Following are objectives that IPAS staff will work to complete in order to reduce abuse and neglect of individuals with disabilities:

STATE-OPERATED FACILITIES

- ◆ Review allegations of abuse and neglect on behalf of individuals residing in Intermediate Care Facilities (ICF-MR).
- ◆ Investigate allegations of abuse or neglect of individuals residing in Indiana Department of Mental Health and Addictions operated mental health facilities.

STATE-SUPPORTED SERVICES

- ◆ Review allegations of abuse and neglect on behalf of individuals receiving Medicaid Waiver services.
- ◆ Review allegations of abuse and neglect on behalf of children residing in facilities funded by the Division of Children's Services.

COMPREHENSIVE MENTAL HEALTH CENTERS

- ◆ Investigate allegations of abuse or neglect of individuals residing in Comprehensive Mental Health Centers.

RESIDENTIAL CARE ASSISTANCE PROGRAM

- ◆ Investigate allegations of abuse or neglect of individuals receiving funding from the Residential Care Assistance Program (RCAP).

CRIMINAL JUSTICE

- ◆ Review allegations of abuse and neglect on behalf of individuals incarcerated in the Indiana Department of Correction prisons, county jails or juvenile detention facilities.
- ◆ Investigate allegations of abuse and neglect in juvenile detention facilities.
- ◆ Investigate allegations of abuse and neglect in jails (non-DOC facilities).

RESTRAINT SECLUSION

- ◆ Investigate allegations of inappropriate use of seclusion/restraints.

PSYCHIATRIC RESIDENTIAL TREATMENT FACILITIES (PRTF)

- ◆ Investigate incidents of serious occurrences of individuals residing in facilities designated as a psychiatric residential treatment facility (PRTF).

COMMUNITY

- ◆ Review allegations of abuse or neglect on behalf of individuals with disabilities (other than mental illness, developmental disabilities or traumatic brain injury).
- ◆ Review allegations of abuse or neglect of individuals with traumatic brain injury and take appropriate action.
- ◆ Provide legal representatives, in selected cases, to serve as guardian ad litem or court appointed counsel to provide additional protection to preserve their rights in the judicial system.

MONITORING

- ◆ Monitor to document Adult Protective Services involvement in cases of abuse and neglect reported to IPAS.
- ◆ Monitor selected death investigations to document that an investigation was initiated and completed by the responsible state entity.
- ◆ Monitor death investigations of individuals who resided in Indiana Department of Mental Health and Addictions operated mental health facilities.

Equal Access and Other Rights

Individuals with disabilities must have access to programs, services, technology, polling places, buildings and housing. Following are objectives that IPAS staff will work to complete in order to increase access to individuals with disabilities:

- ◆ Review allegations of discrimination on behalf of individuals with disabilities the Americans with Disabilities Act who have been denied services under the ADA (Titles 2 and 3) or the Fair Housing Act.
- ◆ Assist individuals with disabilities in obtaining assistive technology services and devices in the areas of education, health care, employment, community living and in the use of telecommunications.
- ◆ Assist or represent individuals with disabilities in the grievance procedure set forth in the Indiana Help America Vote Act plan.
- ◆ Provide advocacy services for individuals who allegedly have been subjected to disability-based discrimination when it is deemed that the case or situation may have systemic implications.

Special Education

Due to increased emphasis on school discipline, students with disabilities are at increased risk of termination or reduction of their educational services. Students, parents and advocates need and information and support to enable them effectively to self-advocate. There are also school systems that exhibit ongoing violations of the Individuals with Disabilities Education Improvement Act and Article 7. Following are objectives that IPAS staff will pursue in order to increase the number of special education students that receive a free and appropriate public education:

- ◆ Review allegations that students with disabilities have had their educational services inappropriately reduced or terminated due to suspension or expulsion and assure their right to receive a Free and Appropriate Public Education.
- ◆ Represent students in targeted school districts that have been denied educational services or discriminated against under the provisions of the Individuals with Disabilities Education Act or Sections 504 and 508 of the Rehabilitation Act of 1973.
- ◆ Develop and disseminate transition materials to transition aged students, aged 14 years through 22 years, in three Indiana school districts.

Employment

Employment – Historically, individuals with disabilities have experienced a higher rate of unemployment or underemployment, which represents a significant barrier to achieving the level of independence and productivity that many people with disabilities wish to attain.

Following are objectives that IPAS staff will work to complete in order to increase the opportunity for individuals with disabilities to attain full employment:

- ◆ Assure that eligible individuals receive appropriate Vocational Rehabilitation Services and services through Centers for Independent Living.
- ◆ Assure that Vocational Rehabilitation Services (VRS) and Centers for Independent Living applicants and clients have the opportunity to make informed choices and fully participate throughout the VRS and independent living processes.
- ◆ Provide assistance and individual representation to Social Security beneficiaries who are seeking Vocational Rehabilitation Services, employment services and other support services from employment networks.
- ◆ Provide consultation to and legal representation on behalf of Social Security Beneficiaries when such services become necessary to protect the rights of such beneficiaries.

Systems Advocacy

- ◆ Participate as non-voting members of Resident/Human Rights Committee of the facilities operated by the Indiana Department of Mental Health and Addictions.
- ◆ Identify and correct deficiencies in employment networks providing vocational rehabilitation services, employment services and other support services to beneficiaries with disabilities.
- ◆ Advocate for the adoption and implementation of minimal standards to guide the use of restraint and/or seclusion in the schools by the Indiana Department of Education.
- ◆ Advocate for the adoption and implementation of rules by the Division of Family and Children to prohibit restraint and seclusion in Children's Homes and Child Caring Institutions.
- ◆ Participate on committees, groups or task forces selected by Indiana Protection and Advocacy which appear to have systemic implications concerning policies and practices affecting the State's response to disability rights for individuals with disabilities.

Education and Training

Students, parents and advocates need and information and support to enable them effectively to self-advocate. Following are objectives that IPAS staff will work to complete in order to increase awareness about disabilities rights and the exercise of those rights:

- ◆ Provide education and training about disability rights and IPAS to individuals with disabilities, parents, guardians, advocates, and/or service program providers.
- ◆ Provide education and training to increase the self-advocacy skills of individuals with disabilities, their families, and other advocates to enable them to obtain assistive technology services and devices.
- ◆ Conduct one statewide conference regarding resident rights issues.
- ◆ Conduct training events concerning the civil/disability rights of individuals with mental illness for family members.
- ◆ Conduct resident rights training events for consumers at selected Comprehensive Mental Health Centers.
- ◆ Disseminate information regarding disability rights and IPAS at events related to the provision of childcare for all children including children with developmental disabilities.
- ◆ Participate in events related to fair housing and housing discrimination attended by consumers, family members and/or service providers.
- ◆ Participate on the statewide brain injury advisory council.
- ◆ Support the creation of a new Crisis Intervention Team program in an Indiana Law Enforcement entity.
- ◆ Support education and training efforts of consumer-based organizations to increase awareness of disability rights.
- ◆ Respond to requests for education, training and assistance from individuals with disabilities that will promote their participation in the electoral process.
- ◆ Respond to requests by election officials, poll workers and election volunteers regarding the rights of the voters with disabilities and best practices in working with individuals with disabilities.
- ◆ Develop and distribute information concerning voter registration, access to polling places and the right to cast a vote, including information regarding the state's grievance procedure and the role of IPAS in representing individuals.

Information and Referral

The IPAS Commission continues to support the efforts of the staff to provide timely and accurate information about disabilities for individuals with disabilities, their families, as well as other advocates, and members of the public.

- ◆ Provide timely and accurate Information and Referral Services to individuals that request information concerning disability rights and technical assistance concerning the exercise of these rights.

Administration

IPAS strives to provide high quality advocacy services that are responsive to the needs of individuals with disabilities and their families. Following are objectives IPAS staff will work to complete in order to increase awareness of IPAS and its services that are provided:

- ◆ Assure the provision of high quality advocacy services.
- ◆ Outreach to the public and to individuals with disabilities concerning disability rights issues, IPAS services and successes.
- ◆ Outreach to minority and underserved individuals with disabilities concerning disability rights issues, IPAS services and successes.
- ◆ Provide the public with opportunities to make comments and suggestions concerning agency priorities and objectives.

Critical Barriers Survey

Help identify critical issues that IPAS should consider as priority areas for their advocacy efforts. Please log on to **www.thepollingplace.org** and complete our 2007-2008 Critical Barriers Survey before January 1, 2008.

IPAS Commission

The Indiana Protection and Advocacy Services Commission (IPAS), our governing authority, has the responsibility to assure adequate legal and advocacy services for the protection, promotion and empowerment of the rights and interests of individuals with disabilities throughout Indiana.

The IPAS Commission provides direction and advice on the agency's activities, goals and policies.

Federal law requires that the commission be composed of members who broadly represent or are knowledgeable about the needs of the individuals served by the protection and advocacy system.

Membership must include individuals with developmental disabilities who are eligible for services, have received or are receiving services or parents, family members, guardians, advocates or authorized representatives of such individuals. In addition, the Chair of the IPAS Mental Illness Advisory Council (MIAC) automatically is a member of the IPAS Commission.

No more than one-third of the members of the commission may be appointed by the governor (42 USCA 6042). The Commission appoints the remaining nine members. Members serve three-year terms and may not serve more than five consecutive terms.

Serving on the IPAS Commission in an advisory, non-voting capacity is one member of the Indiana Senate appointed by the President Pro Tempore of the Senate, and one member of the Indiana House of Representatives appointed by the Speaker of the House of Representatives.

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MEMBER RECRUITMENT

IPAS is always looking for new Commission and Advisory Council members to help serve the needs of individuals with disabilities. Commission members must have a commitment to promoting the legal and civil rights of people with developmental disabilities, mental illness or other disabilities, and to the cause of protecting and promoting those individuals' rights to make their own choices.

The IPAS Commission consists of 13 members. The governor appoints four, and the remainder are placed by a majority vote of the membership. Commission members serve three-year terms. For more information, contact 800.622.4845 or TTY: 800.838.1131.

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I am interested in learning about the following topics (check interest areas):		
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<input type="checkbox"/> Abuse and Neglect	<input type="checkbox"/> Treatment Rights	<input type="checkbox"/> Other Rights Issues _____



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IMPACT

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These contents are solely the responsibility of the grantee and do not necessarily represent the official views of state or federal government.

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